

NOAH T. KATZEN  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice  
P.O. Box 386  
Washington, DC 20044-0386  
(202) 305-2428  
(202) 514-8742 (fax)  
[Noah.T.Katzen@usdoj.gov](mailto:Noah.T.Katzen@usdoj.gov)

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

**STATE OF WASHINGTON, *et al.*,**

No. 1:23-cv-03026

## Plaintiffs,

v.

U.S. FOOD AND DRUG  
ADMINISTRATION, *et al.*,

### Defendants.

**JOINT MOTION TO SET  
DEADLINES TO RESPOND TO  
AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
RECORD**

06/09/23  
WITHOUT ORAL ARGUMENT

Having met and conferred regarding next steps in this case, the parties

jointly request that the Court (1) extend Defendants' deadline to respond to the Amended Complaint from May 15, 2023, to June 23, 2023, and (2) order

Amended Complaint from May 15, 2023, to June 23, 2023, and (2) order

1

**JOINT MOTION TO SET  
DEADLINES TO RESPOND TO  
AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
RECORD**

1 Defendants to produce the administrative record relating to the January 2023  
2 REMS modification by September 1, 2023. Defendants will produce the  
3 administrative record on a rolling basis, with productions to be made on June 16,  
4 2023, July 14, 2023, August 11, 2023, and September 1, 2023. Defendants will file  
5 a certified index to the administrative record by September 1, 2023.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

2

22 JOINT MOTION TO SET  
23 DEADLINES TO RESPOND TO  
24 AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
RECORD

~

1 May 10, 2023

2 ROBERT W. FERGUSON  
3 Attorney General

HILARY K. PERKINS  
Assistant Director

4 /s/ Kristin Beneski  
5 NOAH GUZZO PURCELL,  
WSBA #43492  
Solicitor General  
6 KRISTIN BENESKI, WSBA #45478  
First Assistant Attorney General  
7 COLLEEN M. MELODY,  
WSBA #42275,  
Civil Rights Division Chief  
9 ANDREW R.W. HUGHES,  
WSBA #49515  
LAURYN K. FRAAS,  
WSBA #53238  
Assistant Attorneys General  
12 TERA M. HEINTZ, WSBA #54921  
Deputy Solicitor General  
13 800 Fifth Avenue, Suite 2000  
14 Seattle, WA 98104-3188  
(206) 464-7744  
15 *Attorneys for Plaintiff State of  
Washington*

/s/ Noah T. Katzen  
NOAH T. KATZEN  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice  
P.O. Box 386  
Washington, DC 20044-0386  
(202) 305-2428  
(202) 514-8742 (fax)  
Noah.T.Katzen@usdoj.gov

*Counsel for Defendants*

17  
18  
19  
20  
21  
22 JOINT MOTION TO SET  
DEADLINES TO RESPOND TO  
23 AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
24 RECORD

1 ELLEN F. ROSENBLUM  
2 Attorney General of Oregon

3 /s/ Carla A. Scott  
4 SANDER MARCUS HULL,  
5 WSBA #35986  
6 CARLA A. SCOTT, WSBA #39947  
7 Senior Assistant Attorneys General  
8 YOUNGWOO JOH, OSB #164105  
9 Assistant Attorney General  
10 Trial Attorneys  
11 Tel: (971) 673-1880  
12 Fax: (971) 673-5000  
13 marcus.hull@doj.state.or.us  
14 carla.a.scott@doj.state.or.us  
15 youngwoo.joh@doj.state.or.us  
16 *Attorneys for State of Oregon*

17 PHILIP J. WEISER  
18 Attorney General of Colorado

19 /s/ Eric Olson  
20 ERIC OLSON, CO #36414  
21 Solicitor General  
22 MICHAEL MCMASTER,  
23 CO #42368  
24 Assistant Solicitor General  
Office of the Attorney General  
Colorado Department of Law  
1300 Broadway, 10th Floor  
Denver, CO 80203  
Phone: (720) 508-6000  
*Attorneys for Plaintiff State of Colorado*

25 JOINT MOTION TO SET  
26 DEADLINES TO RESPOND TO  
27 AMENDED COMPLAINT AND  
28 PRODUCE ADMINISTRATIVE  
29 RECORD

KRIS MAYES  
Attorney General of Arizona

30 /s/ Daniel C. Barr  
31 Daniel C. Barr (Arizona No. 010149)  
32 Chief Deputy Attorney General  
33 Luci D. Davis (Arizona No. 35347)  
34 Office of the Attorney General of  
35 Arizona  
36 2005 N. Central Ave.  
37 Phoenix, AZ 85004-1592  
38 Phone: (602) 542-8080  
39 Email: Daniel.Barr@azag.gov  
Luci.Davis@azag.gov  
40 *Attorneys for Plaintiff State of Arizona*

41 WILLIAM TONG  
42 Attorney General of Connecticut

43 /s/ Joshua Perry  
44 Joshua Perry\*  
45 Solicitor General  
46 Office of the Connecticut Attorney  
47 General  
48 165 Capitol Ave, Hartford, CT 06106  
49 Joshua.perry@ct.gov  
50 (860) 808-5372  
51 Fax: (860) 808-5387  
52 *Attorney for Plaintiff State of Connecticut*

**KATHLEEN JENNINGS**  
Attorney General of Delaware

**KWAME RAOUL**  
Attorney General of Illinois

/s/ Vanessa L. Kassab  
VANESSA L. KASSAB  
Deputy Attorney General  
Delaware Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
302-683-8899  
vanessa.kassab@delaware.gov  
*Attorney for Plaintiff State of  
Delaware*

/s/ Caitlyn G. McEllis  
Caitlyn G. McEllis (6306561)  
Senior Policy Counsel  
Office of the Illinois Attorney General  
100 West Randolph Street  
Chicago, IL 60601  
Phone: (312) 793-2394  
[Caitlyn.McEllis@ilag.gov](mailto:Caitlyn.McEllis@ilag.gov)  
*Attorney for Plaintiff State of Illinois*

**DANA NESSEL**  
Attorney General of Michigan

AARON D. FORD  
Attorney General of Nevada

/s/ Stephanie M. Service  
Stephanie M. Service (P73305)  
Assistant Attorney General  
Michigan Department of Attorney  
General  
Health, Education & Family  
Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 335-7603  
ServiceS3@michigan.gov  
*Attorney for Plaintiff Attorney  
General of Michigan*

*/s/ Heidi Parry Stern*  
Heidi Parry Stern (Bar. No. 8873)\*  
Solicitor General  
Office of the Nevada Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
[HStern@ag.nv.gov](mailto:HStern@ag.nv.gov)  
*Attorney for Plaintiff State of Nevada*

**JOINT MOTION TO SET  
DEADLINES TO RESPOND TO  
AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
RECORD**

1 RAÚL TORREZ  
2 Attorney General of New Mexico

3 /s/ Aletheia Allen  
4 Aletheia Allen  
5 Solicitor General  
6 New Mexico Office of the Attorney  
7 General  
8 201 Third St. NW, Suite 300  
Albuquerque, NM 87102  
AAllen@nmag.gov  
*Attorney for Plaintiff State of New  
Mexico*

9 CHARITY R. CLARK  
10 Attorney General of Vermont

11 /s/ Eleanor L.P. Spottswood  
12 ELEANOR L.P. SPOTTSWOOD\*  
Solicitor General  
13 109 State Street  
Montpelier, VT 05609-1001  
(802)793-1646  
eleanor.spottswood@vermont.gov  
*Attorney for Plaintiff State of Vermont*

22 JOINT MOTION TO SET  
23 DEADLINES TO RESPOND TO  
AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
RECORD

PETER F. NERONHA  
Attorney General of Rhode Island

1 /s/ Julia C. Harvey  
JULIA C. HARVEY #10529  
Special Assistant Attorney General  
150 S. Main Street  
Providence, RI 02903  
(401) 274-4400 x2103  
*Attorney for Plaintiff State of Rhode  
Island*

BRIAN L. SCHWALB  
Attorney General for the District of  
Columbia  
JENNIFER C. JONES  
Deputy Attorney General  
Public Advocacy Division  
WILLIAM STEPHENS  
Counsel to the Deputy

1 /s/ Nicole S. Hill  
NICOLE S. HILL  
Assistant Attorney General  
Office of the Attorney General for the  
District of Columbia  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
(202) 727-4171  
nicole.hill@dc.gov  
*Attorneys for Plaintiff District of  
Columbia*

1 ANNE E. LOPEZ  
2 Attorney General

3 /s/ Erin N. Lau  
4 Erin N. Lau 009887\*  
5 465 South King St., Room 200  
Honolulu, Hawaii 96813  
6 Erin.N.Lau@hawaii.gov  
*Counsel for the State of Hawaii*

7  
8 ANTHONY G. BROWN  
9 Attorney General of Maryland

10 /s/Steven M. Sullivan  
11 STEVEN M. SULLIVAN\*  
Solicitor General  
12 Office of the Attorney General of  
Maryland  
200 Saint Paul Place, 20th Floor  
Baltimore, Maryland 21202  
13 (410) 576-6427  
ssullivan@oag.state.md.us  
14 *Attorney for Plaintiff State of*  
15 *Maryland*

AARON M. FREY  
Attorney General

/s/ Halliday Moncure  
Halliday Moncure, Bar No. 4559  
Assistant Attorney General  
Office of the Maine Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
(207) 626-8800  
halliday.moncure@maine.gov

KEITH ELLISON  
Attorney General  
State of Minnesota

/s/Liz Kramer  
LIZ KRAMER (#0325089)  
Solicitor General  
JENNIFER OLSON (#0391356)  
Assistant Attorney General  
445 Minnesota Street, Suite 1400  
St. Paul, Minnesota 55101-2131  
(651) 757-1010 (Voice)  
(651) 282-5832 (Fax)  
liz.kramer@ag.state.mn.us  
jennifer.olson@ag.state.mn.us  
*Attorneys for Plaintiff State of*  
Minnesota

18  
19  
20  
21 JOINT MOTION TO SET  
22 DEADLINES TO RESPOND TO  
23 AMENDED COMPLAINT AND  
24 PRODUCE ADMINISTRATIVE  
RECORD

1 MICHELLE A. HENRY  
2 Attorney General of Pennsylvania

\*Applications for pro hac vice  
admission forthcoming

3 /s/ Jill M. Graziano  
4 JILL M. GRAZIANO  
5 (Pa Bar No. 82725)  
6 Chief Counsel to the Attorney  
7 General  
8 1000 Madison Ave., Ste. 310  
Norristown, PA 19403  
jgraziano@attorneygeneral.gov  
(484) 460-1330  
*Attorney for the Commonwealth of  
Pennsylvania*

## **CERTIFICATE OF SERVICE**

I hereby certify that, on May 10, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Noah T. Katzen  
NOAH T. KATZEN

9

**JOINT MOTION TO SET  
DEADLINES TO RESPOND TO  
AMENDED COMPLAINT AND  
PRODUCE ADMINISTRATIVE  
RECORD**